

EXECUTIVE SUMMARY

JUDICIAL COUNCIL EXPEDITION AND TIMELINESS INITIATIVE DECEMBER 20, 2001

INTRODUCTION AND PURPOSE

According to a statewide survey completed in 1998, the principal concern and perception of Maryland citizens about the Judiciary was that court processes take too long to complete. This finding was taken seriously by a group of judicial leaders convened by Chief Judge Robert Bell in 1999, in Columbia, Maryland. This Group identified Expedition and Timeliness as one of only several important issues facing the Maryland Judiciary.

At its first meeting on September 12, 2000, the Maryland Judicial Council established the fair and expeditious disposition of cases as the most important issue on which to concentrate its attention. The Judicial Council Expedition and Timeliness Initiative confirms case processing time as a vital justice issue and the need for judiciary accountability for reasonable case processing times statewide.

The Judicial Council concluded that the needed assessment of current performance should be guided by standards appropriate to and understood by the Maryland Judiciary, rather than standards designed for courts nationwide or standards adopted by some other state. Assessment could not proceed absent standards of performance tailored to Maryland and a data collection system for gathering the needed information.

Three initial steps were undertaken:

- 1) engage the entire State Judiciary in determining the standards by which Maryland would assess current performance and guide needed improvements;
- 2) design a data collection methodology and network for gathering the needed information; and
- 3) carry out an initial assessment using the standards and newly created data collection system.

These initial steps have been completed.

The attachments report the Time to Disposition Standards for the Circuit Courts and the District Court adopted by the Judicial Council on April 12, 2001. Following selection and training of data collection coordinators, the assessment of case processing time in every Circuit and District court location occurred through the summer and fall of 2001. The resulting database is arguably the most comprehensive study of state court case processing time in history.

Assessment results suggest that there is room for improvement statewide and in every Maryland trial court. Each jurisdiction received a summary of the results for their court and,

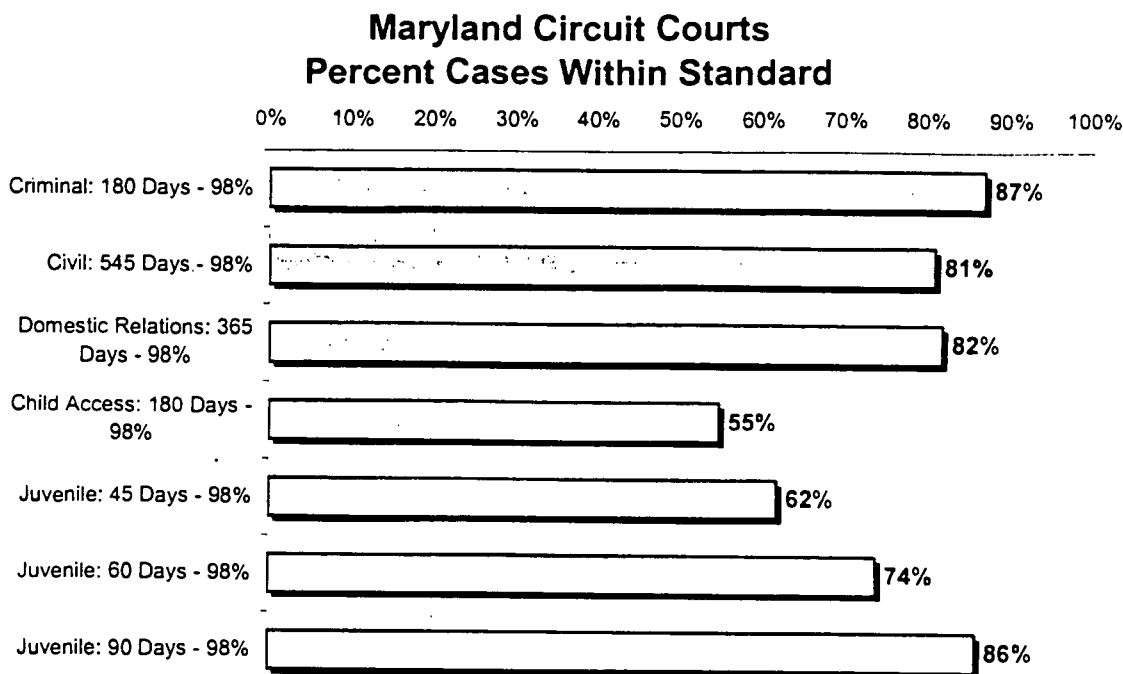


Report to the Maryland Judiciary: Expedition and Timeliness Initiative

under the direction of the respective administrative judge, a written plan was or is being prepared for every Maryland trial court.

These reports review the findings for each of five (Circuit Courts) and six (District Court) case types, set priorities and made general observations, suggested changes in the time to disposition standards, and very important, outlined plans for improvement. The Judicial Council and Chief Judge Bell directed that the reports be submitted by the administrative judges of the trial courts.

CIRCUIT COURTS ASSESSMENT RESULTS AND IMPROVEMENT PLANS



Most Circuit Courts took the assessment results seriously and submitted a conscientious report in a timely way. While there are patterns, the Circuit Court improvement plans cannot be distilled into solutions of "one size fits all."

Emerging out of the reports, there appeared to be consensus that the Time Standards should be amended: integrate the Child Access case type into Domestic Relations, conform the Juvenile standard to the statute, accommodate the aging required for "limited" divorce filings, and resolve issues related to the start date of Civil and Domestic Relations cases.

One recommendation often reported was the need for case management training. Such programs are best organized by size of court defined by one to two judge courts (ten courts), four to nine judge courts (nine courts), and courts with more than nine judges (five courts). Development planning for such workshops is underway. Based on the analysis of the administrative judge reports topics to be covered should include:

- statistical measures of disposition time;



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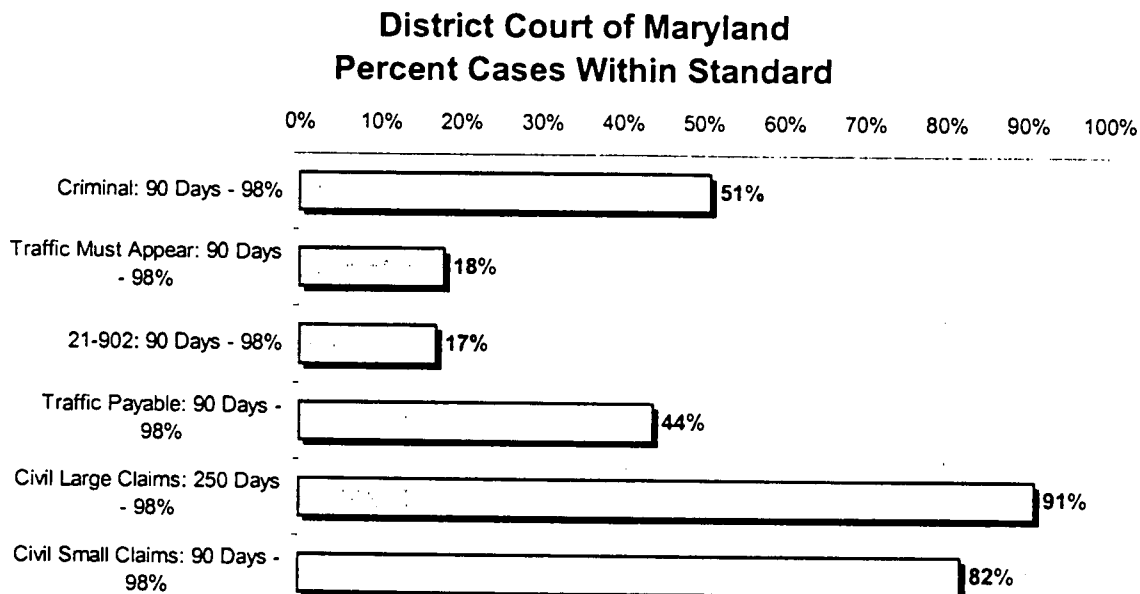
- best practices related to the use of rule 2-507 dismissals;
- the processing of child access cases;
- domestic relations self represented litigants.

How cases are processed by the court and the use of judges and the scheduling of judges and courtrooms in efficient courts should be documented and presented at the workshops and elsewhere for review and possible replication. All but a few court reports identified postponements as a problem. While no case management system can work if there are excessive postponements, postponements are best understood as a symptom rather than a cause of unacceptable case processing time. The cause is a lack of court control of case progress. Some courts will examine trial settings closely and work toward firm trial calendars. Others are planning improved use of ADR and DCM.

Many of the reports reviewed every case in the assessment sample for every case type that was over standard. Case by case analysis of cases over standard proved very valuable. This type of analysis is critical to successful case processing time improvement efforts. Work at the case management workshops and otherwise should detail how and why to age the pending inventory, and to establish case processing goals by the number of pending cases for each case type given filings for each Maryland Circuit Court.

Transfer of best practices and technical assistance delivered to Circuit Courts requesting and needing assistance from others in Maryland and a follow up assessment should be undertaken in 2002. The internal capacity of the Circuit Courts working with state level staff to improve the case processing times statewide is and will continue increasing in 2002.

DISTRICT COURT ASSESSMENT RESULTS AND IMPROVEMENT PLANS





Report to the Maryland Judiciary: Expedition and Timeliness Initiative

When the District Court administrative judges, administrative clerks, and District Court Headquarters staff formulated the recommended standards for case processing for six case types they understood that current performance would likely fall short of desired performance. Despite the expected results, Chief Judge James Vaughan, the District Administrative Judges and Clerks, and Headquarters staff are not asking the Judicial Council for any fundamental change of the District Court Time Standards.

In 2002 District Court focus will be in the words of the Chief Judge Vaughan "... learning how the court can do better in the movement of cases through the system." This should be acknowledged by and commended with high praise by the Judicial Council.

The District Court improvement effort is on going. The Chief Judge convened a statewide conference of all District Court Administrative Judges and Clerks and stakeholders from every administrative district and region of the state. The November 30 District Court Conference will result in written improvement plans for every District Court under the direction of the District Court Administrative Judges and nine follow-up regional conferences. There will be continued attendance of District Court judicial leaders at national and in state caseload management workshops.

Already identified problems to be addressed at both the state and trial court level include:

- the problem of postponement in the District Court throughout the state;
- police scheduling and police delays in case processing issues that are a prime but not the only cause of the postponement culture in criminal, Traffic Must Appear, 21-902, and Traffic Payable cases;
- postponements due to delayed drug test results in Criminal cases;
- pre adjudication drug treatment placements for criminal cases without a stop event in the initial District Court Time Standards;
- police scheduling related to traffic payable tickets is a significant problem which may be addressed by proven technology applications and other remedies;
- self represented parties in both Civil and Small Claims District Court case types;
- a shortage of courtrooms at some District Court locations;
- excessive early trial settings of all case types.

Conclusion and Summary

This is a multi-year not a short-term effort. Planning of follow on assessment to be completed in late 2002 is underway. Much was learned in the initial assessment not only about how the Maryland trial courts are performing but also about how to assess their case processing performance.



Report to the Maryland Judiciary: Expedition and Timeliness Initiative

The initial assessment was very demanding of the time and energy of the leaders of the trial courts, both Circuit and District, and their respective staffs. The focus of the trial courts now shifts to caseflow management improvements, trial court by trial court. By late 2002 there will be increased state level capacity to carry out assessment of trial court performance without the enormous effort and time commitments required of the trial courts in 2001.

The aim of the Judicial Council is increased judicial capacity and accountability for the most fundamental thing courts do: process cases from filing to disposition. By establishing self-imposed standards and assessing performance given those standards, the Judiciary has taken responsibility for trial court performance and their internal and external accountability.



MARYLAND DISTRICT COURT TIME STANDARDS

December 31, 2001

| Case Type | Definition of Terms | | | | Time Standard |
|---|--|---|---|--|----------------|
| | Case Time Start | Case Time Suspension | | Case Time Stop | |
| | | Suspend | Re-Start | | |
| Criminal Cases | 1. Service of charging document 2. Amendment from circuit court 3. Removal from Stet | 1. FTA 2. Finding of incompetency 3. PSI ordered 4. Drug court diversion program ordered | 1. FTA warrant served 2. FTA struck 3. Finding of competency 4. Receipt of PSI 5. Completion of Drug court diversion program 6. Notice of non-compliance of drug diversion program | 1. Nolle Prosequi 2. Dismissal 3. Stet 4. Acquittal 5. Sentencing 6. Abate by death 7. Jury trial prayed 8. Petition granted for reverse waiver 9. Finding of NCR 10. Merge | 90 days (98%) |
| All Traffic - Must Appear Cases | | | | | |
| Section 21-902 | | | | | |
| Payable Traffic Cases (excluding tickets “paid out” before being given trial dates) | Service of charging document | FTA | 1. Case reset for trial 2. Ticket paid | 1. Nolle Prosequi 2. Dismissal 3. Stet 4. Acquittal 5. Sentencing 6. Abate by death 7. Merge 8. Ticket paid before trial date | 90 days (98%) |
| Civil Large Claims | 1. Service 2. Case reopened (includes remands from circuit court) | 1. Bankruptcy 2. Passed for settlement | 1. Bankruptcy discharged 2. Reset if Passed for Settlement | 1. Entry of judgment 2. Dismissal 3. Jury trial prayed | 250 days (98%) |
| Civil Small Claims | | | | | 90 days (98%) |



MARYLAND CIRCUIT COURTS TIME STANDARDS

December 31, 2001

| Case Type | | Definition of Terms | | | Time Standard | Additional Measurements | |
|---|--|---|---|--|------------------------------------|--|----------------|
| | | Case Time Start | Case Time Suspension | | | | Case Time Stop |
| | | | Suspend | Re-Start | | | |
| Criminal | First Appearance of defendant or entry of appearance by counsel (Rule 4-213) | Bench Warrant, Failure to Appear (FTA), Mistrial, NCR evaluation, petition for reverse waiver, competency evaluation, PSI ordered, pre-sentencing treatment program | Reappearance, Retrial, determined to be criminally responsible, denial of reverse waiver, finding of competency, receipt of PSI, unsuccessful completion of pre-sentencing treatment program | Disposition • Verdict/PSI ordered • PBJ • Stet • NP • NG • Sentencing | 6 months (98%) | 1. Arrest/Service of Summons or Citation Date to Filing in Circuit Court 2. Filing to First Appearance 3. Verdict to Sentence Date | |
| Civil | Service on First Defendant or First Answer, whichever comes first | Bankruptcy Court stay, interlocutory appeal. Demand for arbitration | Discharge of bankruptcy, reinstatement, appellate decision | Disposition, Dismissal or Judgment, Court-ordered arbitration | 18 months (98%) | Circuit Court Filing to Service or Answer, whichever comes first | |
| Domestic Relations (Including Child Access) | Service on Defendant or First Answer, whichever comes first | Bankruptcy Court stay, interlocutory appeal | Discharge of bankruptcy, appellate decision | Disposition, Dismissal or Judgment | 12 months (90%) 24 months (98%) | Circuit Court Filing to Service or Answer, whichever comes first | |
| Juvenile Delinquency | First Appearance of respondent or entry of appearance by counsel | Bench Warrant, Failure to Appear, Mistrial, NCR evaluation, petition for waiver, competency evaluation, Pre-Disposition Investigation Report ordered, pre-disposition treatment program | Reappearance, Retrial, determination of NCR, finding of competency, decision on waiver, receipt of Pre-Disposition Investigation Report, unsuccessful completion of pre-disposition treatment program | Disposition • Jurisdiction Waived • Dismissal • Stet • Probation • Facts Sustained • Facts Not Sustained • NP | 90 days (98%) | 1. Original Offense date to Filing 2. Petition Filing date to first appearance | |



Source: [Legal > / . . . / > Maryland News Publications](#) ⓘTerms: **time standards /p court** ([Edit Search](#))☒ Select for FOCUS™ or Delivery*The Daily Record (Baltimore, MD) May 18, 2002 Saturday*Copyright 2002 Dolan Media Newswires
The Daily Record (Baltimore, MD)

May 18, 2002 Saturday

SECTION: COMMENTARY**LENGTH:** 906 words**HEADLINE:** Commentary: MD's attempt to rush cases may sacrifice pursuit of justice**BYLINE:** Special to The Daily Record**BODY:**

In the March 2 edition, The Daily Record proclaimed that Maryland had taken the lead in court management. The court's willingness to take the initiative requiring cases to come to trial was roundly applauded by several persons. Cases that were languishing would now move. Maryland was taking a local and national leadership role in case management.

As this system is developing, nothing could be further from the truth. Maryland is embarking on a race to force cases to trial whether they are ready or not, to deny reasonable requests for continuances, and to exhaust both trial judges and attorneys in an attempt to influence public opinion that is doomed to fail. It has seriously strained relations between the bench and the bar. All this is regulated by time schedules which are not commonly published, which require 98 percent of cases in a certain area to be finished in a certain time. Where did these time standards come from? How did they appear on our doorstep? Most counsel are unfamiliar with them. The only public pronouncements I have seen concerning them are in two articles in The Daily Record.

They did not come from the Legislature or from the Rules Committee. They did not emanate from any public hearing. They came from the Judicial Council.

Where did the Judicial Council come from? Most attorneys do not know that either. Originally the Judiciary of the state elected eight Circuit and eight District court judges, along with the chief judge of the Court of Appeals and a judge of the Court of Special Appeals. They were supposed to help set policy. In actuality this did not work well. The Court of Appeals, at the request of the chief judge, replaced the executive committee with the Judicial Council.

To my knowledge, the Council has undertaken only one major task, namely the creation of the time standards.

What are the **time standards**? As indicated, they set forth the amount of time in which a **court** should terminate 98 percent of its cases. They affect civil trials, criminal trials, domestic trials and juvenile cases. A few matters, such as guardianships, are obviously not affected. These standards were not originally set on empirical evidence. The original standards were approximately: criminal -- six months; civil -- 18 months; domestic -- one year; custody -- six months; and juvenile -- 45 to 90 days.

All of these standards were unrealistic. After the standards were set, some empirical data



were developed. No one met the standards. In access cases, the standards were more realistically set for a year.

Judges were told, informally, that these standards were mere guidelines and not precise numbers. Unlike criminal cases, there was no easy solution such as dismissing the state's case. These were "precatory only." They were goals to strive for. They were not set in stone.

We soon found out the concept of time standards was set in stone, even if the times were not. Judges were being told to force cases to be heard within the time standards.

There was, of course, no change in the program.

The important questions we should ask are: How quickly can the case be set consistent with services rendered and desires of the parties? And whether the case is continued because of the unavailability of judges or masters? I know we're meeting the latter, and believe we're meeting the former.

There are certain cases that need services that will extend the time for trial; there are cases that require the passage of time to produce certain results; there are cases (not many) with delay. The empirical data above belie that. If counsel needs more time to work on the case, there will be more (and better) settlements.

I have already encountered several instances (and I am no longer in the direct loop) of cases where postponements are denied and the parties do not get a judge or master. That never happened in Anne Arundel domestic in five years. The system worked; now it doesn't. Counsel were assured of trial dates; now they aren't.

The lawyers are an important part of the management of the court. The court may get a "macho" feeling from "taking over its docket," but it should work with counsel who know their cases better than the judges, to assure proper scheduling. It is not necessary to be draconian to make the docket work. We see plenty of articles, and have seminars (many of which I avoided) on stress. The greatest stress is being forced to fit arbitrary time limits.

For years, courts did not pay enough attention to moving the docket. In the last several years, we have corrected that. The imposition of arbitrary limits will wreck that. Trial judges who are not administrators and trial lawyers are recognizing the problems being caused. Hopefully, this can be stopped before it causes irremediable harm.

There are certain things we should do.

1. Make sure that future measures like time standards go through the Rule Committee, whether they have to or not.
2. Make sure these measures are presented to, or discussed by, the bar.
3. Never set standards without empirical data.
4. Make the standards a guide or, at a minimum, permit exceptions for good cause shown.
5. Ensure that the public knows that cases are being set promptly and disposed of on trial day if they are ready to go.

Perhaps then we can show our dedication to prompt decisions without sacrificing our search for the truth.

James C. Cawood



Mason, Kettermann & Cawood

Annapolis

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SECTION: PRINCE GEORGE'S EXTRA; Pg. T03

LENGTH: 585 words

HEADLINE: Time Limits Intended to Speed Up Courts; State Guidelines Aim to Reduce Case Delays

BYLINE: Phuong Ly, Washington Post Staff Writer

BODY:

In an effort to speed up the judicial process, the Maryland **court** system for the first time has set sweeping **time standards** for the completion of cases.

The time limits, approved by the Maryland Judiciary Council recently and expected to be in place in the fall, range from a maximum of 45 days for juvenile delinquency cases to up to six months for criminal cases in the circuit courts.

In Maryland's Washington suburbs, cases often take much longer, usually because of postponements sought by prosecutors and defense attorneys.

Across the country, more court systems are establishing standards for cases, in part because of a strong public perception that the judicial process moves too slowly. Criminal and juvenile statutes often state the length of time for a case -- such as 30 days for a juvenile case to be heard in instances when juveniles are being detained -- but the statutes are often vague, and civil cases are not usually covered.

There is no enforcement mechanism for the new standards, which could be revised as state courts test their practicality. The standards also can be suspended in certain situations, such as when a defendant fails to appear in court.

Maryland **courts** are collecting data on how long it takes for most cases to be processed now, without the **time standards**. The data will be used as a benchmark to see which areas of the **courts** need improvement, **court** officials said.

The Judiciary Council, a 16-member committee of judges and other **court** officials, has been working on the issue of **time standards** for the past year. The council is headed by Chief Judge Robert M. Bell of Maryland's **Court** of Appeals -- the state's highest **court**.

The new guidelines create "an opportunity for the courts to more effectively manage a case,"



said Howard County Circuit Court Judge Diane Leasure, a member of the Judiciary Council. "The case won't just get filed in court and languish before something gets done about it."

Leasure said that with deadlines, she expects all court participants, including lawyers, defendants and plaintiffs, to come to hearings and trials better prepared. The standards will especially help domestic cases, she said, because judges would want to order services such as parenting classes or mediation more quickly.

"It's going to force people to really keep the case in a time schedule," Leasure said.

Geoff Gallas, a judicial consultant who helped set up the guidelines, said they were the most comprehensive in the country -- including standards set by the American Bar Association.

Because all Maryland judges were asked to comment on the time standards, officials say they hope that there is a high level of compliance.

Gallas, a Philadelphia-based consultant on court management, said the biggest factor in cases being continued for long periods of time is not the number of cases, judges or resources.

The problem is the "local legal culture, what we expect and what we will tolerate," Gallas said, adding that in some courts, lawyers know and expect that judges will grant many continuances.

Under the new standards, criminal and payable traffic cases in district courts would be resolved within 90 days. Civil claims could take up to 250 days.

In circuit courts, criminal cases may take up to six months for a disposition and civil cases would take 18 months. Domestic relations cases could take a year. The Judiciary Council has set a compliance goal of at least 98 percent of total cases.

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